

REMARKS

Summary

In the Office Action dated December 23, 2003, claims 10, 16-18, 21 and 31 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Additionally, claims 10, 12, 14-21 and 25-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Alecci et al. ("Alecci"; US Patent No. 6,097,384). Lastly, claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over Alecci and Acton et al. ("Acton"; US Patent No. 6,628,301)

An After Final Response canceling Claims 1-9, 11, 13, and 22-24 and adding claims 33-37 was filed on 06/23/04. The response is hereby properly re-filed as a RCE. Accordingly, claims 10, 12, 14-21, and 25-37 remain pending.

Claim Rejections Under 35 U.S.C. §112

Claims 10, 16-18, 21 and 31 were rejected as being indefinite under 35 U.S.C. §112. Applicants have amended claim 10 to recite "...wherein the first class member definition data structure includes **second** information...", and claim 21 to recite "The apparatus of claim 12..." Applicants respectfully request that the rejections to claims 10 and 21 under 35 U.S.C. §112 be removed. Since claims 16-18 and 31 depend from claim 10, Applicants respectfully request that the rejection to claims 16-18 and 31 similarly be removed.

Claim Rejections Under 35 U.S.C. §102

Claims 10, 16-18, 21 and 31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alecci. Claim 10 recites a method of defining a class of graphical display objects **for use in a media player application**. The method comprises:

receiving a default definition data structure wherein the default definition data structure includes first information about a default graphical display object **associated with the media player**, and
receiving a first class member definition data structure related to a first graphical display object **associated with the media player**, wherein the first class member definition data structure includes second information indicating differences between the default graphical display object and the first graphical display object, and wherein the second information excludes the first information.

Applicants respectfully submit that Alecci does not teach or otherwise suggest a method of defining a class of graphical display objects **for use in a media player application**, where definition data structures contain information related to graphical display objects **associated with a media player**. Similarly, each of claims 12, 14, and 15 recite “a storage medium having stored thereon a plurality of programming instructions, which when executed cause an apparatus to provide a media player. . .” (to perform various functions as recited in the claims). Applicants submit that Alecci does not teach or otherwise suggest a storage medium having stored thereon a plurality of programming instructions, which when executed cause an apparatus to provide media player functionality.

For at least these reasons, Applicants respectfully submit that claims 10, 12, 14 and 15 are not anticipated by Alecci. Due at least in part upon their dependency on

claims 10, 12, 14 and 15, Applicants respectfully submit that claims 16-18, 21 and 31 are likewise not anticipated for at least the same reasons as claims 10, 12, 14 and 15.

Claim Rejections Under 35 U.S.C. §103

Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over Alecci and Acton. In the above-reference Office Action the Examiner stated that "*Alecci does not teach that the media player is an audio player. However, such feature is known in the art as taught by Acton.*" Whether or not Acton teaches that which it is cited as teaching, Applicants' submit that the subject matter embodied in the pending claims was reduced to practice prior to the effective date of Acton.

Accordingly, Applicants submit herewith a Declaration in accordance with 37 CFR §1.131 executed by Kenneth B. Moore on behalf of the Applicants. The §1.131 Declaration declares that the subject matter of the present application was reduced to practice no later than February 3, 2000, which predates the earliest priority date of Acton. In support of the §1.131 Declaration, Applicants further submit herewith copies of email communications between various co-developers of RealNetworks regarding the use of skin families, which incorporate the subject matter of the claims of the present application.

In particular, Exhibit 'A' represents an email message dated January 10, 2000 from Mr. Moore to a RealNetworks developer list indicating that a change was being made to the "skin manager" code which managed various versions of skins including a version that incorporated skin families. Exhibit B represents an email message dated February 3, 2000 from Mr. Moore to a 'jmilstead' regarding changes to skin features.

More specifically, the email of February 3, 2000 included an attachment entitled "New Skins 2.0 Features" (provided as Exhibit C). In this document, which was last updated on February 3, 2000, the use of default graphical display objects and mechanisms by which differences between default graphical display objects (or user-defined values) may be specified is illustrated in at least the sections entitled "SKIN FAMILY SUPPORT" and "DEFAULT VALUES".

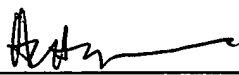
Conclusion

Applicants have further endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Any claim amendments which are not specifically discussed⁴ in the above remarks have not been made for patentability purposes. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejection is requested and early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,
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